

SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO FILL OUT PAPERS FOR CHANGE OF CHILD CUSTODY, CHILD SUPPORT and PARENTING TIME ("VISITATION")

IMPORTANT INFORMATION: Before filling out the forms, you should read the Information on How to Get a Change of Custody to learn what you should know before you file your papers. Reading this information can save you a lot of time and trouble. You must make sure that it is not too soon for you to file and to find out if you have a legal basis to file.

1. **DOES THE SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY HAVE THE POWER TO HEAR YOUR CASE?** The answer to this question **must** be **"yes"** for you to file a Petition to Change Custody.

- A. **Superior Court of Arizona in Maricopa County has the power to hear your case if THE COURT ORDER YOU WANT TO CHANGE IS FROM THE SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY.** You will want to have a copy of your Order in front of you as you fill out these papers.

- B. **If the order you want to change is *not* from this county, ask a lawyer about the requirements to file your Petition (Request) with this Court.**

2. **IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE:** Domestic violence can be part of any relationship. Domestic violence can include physical violence, such as hitting, kicking, slapping or pushing, directed against you and/ or your children. Domestic violence can also include threats of physical violence and/or verbal abuse used to control your and/or your children. The other party does NOT need to have been convicted of domestic violence or assault for you to be a domestic violence victim, and you do not need to have sought medical care or been admitted to a hospital to be a victim.

All court documents request your address and phone number. If you are a victim of domestic violence, are in a domestic violence shelter, or if you do **not** want your address known to protect yourself or your children from further violence, you must file for an **"Order of Protection"** and ask that your address **not** be disclosed on court papers. With that Order, you do not need to put your address and phone number on your court papers. Just write "protected" when asked for this information and update the Clerk of the Court with an address and phone number as soon as possible.

3. INSTRUCTIONS FOR FILLING OUT THE PETITION FOR CHANGE OF CUSTODY AND/OR PARENTING TIME WITH CHILD SUPPORT: (Use this form only if you already have a divorce, paternity, or child custody order.)

- A. PLEASE TYPE OR PRINT WITH BLACK INK ONLY!**
- B.** Make sure your form is titled ***"Petition for Change of Child Custody, Parenting Time and Child Support."***
- C.** In the top left corner of the first page, fill out the following: **YOUR** name; address (if not protected); city; state, zip code; telephone number; and your ATLAS number. If you are represented by an attorney, write in the attorney's bar number, and then check the box to say whether you are representing yourself or you are represented by an attorney. If you are represented by an attorney, write in your name in the space provided.
- D.** Fill in the top section where it says Name of Petitioner AND Name of Respondent, exactly as it appears on your original Divorce, Paternity, or Child Custody papers. If your original case was a Paternity, remember that the Plaintiff is now called the Petitioner and the Defendant is now called the Respondent. If this is the first court case you are filing in Maricopa County, write in your name as Petitioner, and the other party as Respondent.
- E.** Fill in your case number on the line next to "Case Number" using your original case number from your paternity, divorce or child custody papers. If your court order was from another county, make sure you follow the steps above and use the new case number the Clerk of Court assigns you.

GENERAL INFORMATION:

- F. Information about Me:** Fill in your name, address (if not protected) and how you are related to the children.
- G. Information about the Other Party:** Fill in the other party's name, address (if not protected) including city, state and zip code and how the other party is related to the child(ren).
- H. Information about the children for whom I want the custody/parenting time order changed:** Provide the children's names, birth dates, and ages. Give information on all the children under 18 years of age for whom you are seeking to make a change in child custody, parenting time and child support.
- I. Affidavit regarding Minor Children.** If the children have resided in Arizona since the entry of the last Arizona Custody Order check the first box. If not, you must attach an Affidavit regarding Minor Children and check the second box. The Affidavit regarding Minor Children form is in the forms packet.
- J. Information about the Order I want to change.** Check box A or box B, and then complete the information after the box you checked. If your previous decree/order is from Maricopa County, check box A, and write in the date the judge signed the Order, and the name of the judge who signed the Order. If your decree/order is from another county in Arizona or from another state, check box B and write the date the judge signed the Order, name of the state (if it applies) and name of the county.

You must also make sure to get a **certified copy** of the decree/order from the other court and then file the certified copy with the Superior Court of Maricopa County when you file your Petition. **Important: If your decree/order on custody is from another County or State, the children usually will need to have lived in Maricopa County for at least six (6) months before you can file for a change.**

- K. Domestic Violence.** Tell the court whether **no** significant domestic violence has occurred, **or** if it has a check explain it to the court.
- L. What your Order now says:** This is where you tell the judge exactly what part of your decree/order you want to change. You should find your current decree/order, read it carefully several times and then decide what parts you want to change. Find the part you don't agree with and then **COPY IT WORD FOR WORD** into the space provided here or you may incorporate the Order and attach a copy of the Order to the judge's copy of the Petition and all other parties' copies of the Petition. Do not attach the Order to the original Petition.
- M. Why the Decree/Order should be changed:** This is where you briefly explain to the judge why you think a change of your decree/order is necessary for the best interest of the child. If you need more room, you can use extra sheets of paper and attach it to this Petition.

4. REQUESTS I MAKE TO THE COURT: This is where you explain to the judge what you want your decree/order on custody to say.

A. CUSTODY AND PARENTING TIME:

- 1. JOINT CUSTODY:** If you are asking for joint custody, check this box, and write in the names of the child(ren) in the space provided. If you check this box, complete the **"Parenting Plan"** before you go to the judge for your final order. The **"Parenting Plan"** and **"Parent Child Access Guidelines"** are in the "Orders" packet.
- 2. SOLE CUSTODY:** If you want sole custody, check the boxes that apply, including the parenting time you are asking for. Tell the court whether you want custody of the children to go to you or the other party.
- a. PARENTING TIME:** Mark one box only. You can ask that the non-custodial parent (the parent having physical custody of the child less than 50% of the time) have one of the following types of parenting time:
- 1. Reasonable Parenting time--**this suggests an amount of parenting time appropriate to the age of the child. The Court offers suggested amounts of parenting time. These amounts are based on the Guidelines. If you agree with the Guidelines and want parenting time to be based on the Guidelines, check this box.
- 2. Reasonable Parenting time by agreement of both parents--** Complete the **"Parenting Plan"** before you go to the judge for your final order. The **"Parenting Plan"** and **"Parent Child Access Guidelines"** are in the "Orders" packet.

3. **Supervised Parenting time to the Non-Custodial Parent.** You should request supervised parenting time if the non-custodial parent cannot adequately care for the child(ren) without another person present. You may request this if the person not having custody abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for the child(ren) without another adult present. Remember, supervised parenting time is not intended to punish the parent, but to protect the child(ren). You must write the reasons why parenting time should be supervised.

4. **No Parenting time to the Non-Custodial Parent.** You should mark this box **only** if the non-custodial parent has seriously harmed, abused, or otherwise is a serious danger to the child(ren)'s physical and emotional health, or if there is a criminal court order stating there is to be no contact between the child(ren) and the non-custodial parent. This is a last resort to protect the child(ren).

B. **CHILD SUPPORT:** Mark which party should pay child support. Even if you do not want to change the child support amount, the judge will still review all the financial information about child support if the judge is considering to change an order on custody. The person who has custody of the child(ren), or who has physical care of the child(ren) more than 50% of the time is the person who should receive the support. The other party, often referred to as the "non-custodial" parent, must pay the support. The amount of the support is generally determined by income of the parties according to court guidelines. Write in the amount of support you are requesting after you have filled out **the "Child Support Worksheet"** (short version). This form is included in the packet and has instructions on how to fill it out. The **"Child Support Guidelines"** are in the "Orders" packet.

C. **HEALTH, MEDICAL, DENTAL INSURANCE PAYMENTS AND EXPENSES:** Mark which party should be responsible for health, medical, dental insurance and other related expenses. Then write in what percentage mother should pay and what percentage father should pay of those expenses not covered by insurance. The total percentage must be 100%.

D. **INCOME TAX DEDUCTION.** Tell the court whether mother or father should claim the children as income tax deductions every year or every other year.

E. **OTHER ORDERS:** Fill in this information only if you have made other requests to the court. Write the specific additional orders you are requesting the court to make that were not covered elsewhere in your Petition. Use extra pages if necessary.

OATH OR AFFIRMATION AND VERIFICATION: The Oath or Affirmation and Verification must be signed in front of a notary or deputy clerk. You should only sign the Oath or Affirmation and Verification after you have carefully reviewed your Petition and believe that everything contained in the Petition is true and accurate. By signing the Petition under Oath, or Affirmation, you are stating, under penalty of perjury, that the information is true.

5. **WHAT TO DO NEXT:** Read and follow the instructions in the document called **"Procedures: What to do After You Have Completed the Petition to Change Custody, Parenting time and Child Support"**.